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Attorneys for Defendant  
APPLE INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

DONALD K. SHRUHAN, JR. an individual,  
  
Plaintiff,  
  
v.  
  
APPLE INC., a Delaware corporation, and  
DOES 1-10,  
  
Defendants.

Case No. 5:22-cv-5498-EJD

**DECLARATION OF ANNIE PRASAD  
VADILLO IN SUPPORT OF  
DEFENDANT APPLE INC.'S L.R. 6-3  
MOTION TO CHANGE TIME**

1 I, Annie Prasad Vadillo, hereby declare:

2 1. I am an active member of the State Bar of California and am authorized to practice  
3 before this Court. I am an attorney with Orrick, Herrington & Sutcliffe LLP, attorneys of record  
4 for Defendant Apple Inc. I make this declaration in support of Defendant Apple Inc.'s L-R 6-3  
5 Motion to Change Time. I have personal knowledge of the matters contained in this declaration,  
6 or where stated, I am informed and believe that the information is true and correct.

7 2. On January 9, 2025, the parties exchanged expert witness reports. Plaintiff  
8 designated a damages expert and Apple did as well. On January 23, 2025, the parties exchanged  
9 expert witness rebuttal reports. On January 27, 2025, I contacted counsel for Plaintiff Jessica  
10 Thompson and the other attorneys from her office on the service list via email to ask Plaintiff to  
11 stipulate to the requested brief continuance of the expert discovery cut-off, in light of the  
12 settlement conference and status conference with the Court. Plaintiff's counsel did not respond. I  
13 followed up via email again on January 29, 2025 and indicated that if the parties could not  
14 stipulate, Apple would notice Plaintiff's expert's deposition for Monday February 3. Ms.  
15 Thompson did not respond, nor did any of the other attorneys from her office on this matter.  
16 Attached hereto as **Exhibit A** is a true and correct copy of the emails I sent to Ms. Thompson,  
17 including the proposed stipulation I included for her review. At 3:08 p.m. on January 29, I called  
18 Ms. Thompson to discuss the issue but she did not answer the phone or respond in any other way.

19 3. There has been one previous time modifications in this case to extend the fact  
20 discovery cut-off briefly by one month in October 2024.

21 I declare under penalty of perjury under the laws of the United States of America that the  
22 foregoing is true and correct. This declaration is executed on January 29, 2025 in Menlo Park,  
23 California.

24  
25 /s/ Annie Prasad Vadillo  
26 Annie Prasad Vadillo  
27  
28

# EXHIBIT A

**From:** Vadillo, Annie Prasad  
**Sent:** Wednesday, January 29, 2025 10:08 AM  
**To:** jessicat@hbsslaw.com; stephaniev@hbsslaw.com; Bill Stevens; Marty McLean; cbrennan@hkm.com  
**Cc:** Perry, Jessica R.; Weaver, Nicholas  
**Subject:** RE: Shruhan v. Apple - expert discovery  
**Attachments:** Apple\_Shruhan - Stipulation and Proposed Order Re Expert Discovery 4164-0102-2808 2.docx

Hi Jessica, following up on this. Can you please let us know today? If we can't agree, we will need to schedule DiLucente's deposition for Monday.

Best,

Annie

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**From:** Vadillo, Annie Prasad  
**Sent:** Monday, January 27, 2025 4:04 PM  
**To:** jessicat@hbsslaw.com; stephaniev@hbsslaw.com; Bill Stevens <Bills@hbsslaw.com>; Marty McLean <MartyM@hbsslaw.com>; cbrennan@hkm.com  
**Cc:** Perry, Jessica R. <jperry@orrick.com>; Weaver, Nicholas <nweaver@orrick.com>; Vadillo, Annie Prasad <avadillo@orrick.com>  
**Subject:** Shruhan v. Apple - expert discovery

Hi Jessica,

The expert discovery cut-off is currently set for next week, on February 4. Given the upcoming February 6 and February 20 conferences with the court, we propose stipulating to extend the expert discovery cut-off to March 7, 2025 so the parties can complete expert depositions. Are you agreeable to that? I'm attaching a draft stipulation and proposed order for your review.

Thanks,

Annie

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Case No. 5:22-cv-5498-EJD

**STIPULATION AND [PROPOSED]  
ORDER RE: EXPERT DISCOVERY**

**STIPULATION**

**WHEREAS**, the parties are diligently pursuing discovery in this matter, including expert discovery which currently closes on February 4, 2025;

**WHEREAS**, both parties have designated a damages expert in this matter;

**WHEREAS**, there is a further settlement conference scheduled with Judge Cousins on February 6, 2025;

**WHEREAS**, no trial date is currently set in this matter and the parties will update the Court on the status of this matter at a status conference set for February 20, 2025;

**WHEREAS**, the Parties have agreed, for the above reasons, to request the Court extend the deadline to conduct expert depositions of each party's damages expert after the currently set February 4, 2025 expert discovery cut-off to March 7, 2025;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the Parties to this case that good cause exists to conduct the expert depositions after the February 4, 2025 expert discovery cut-off, and respectfully request that the Court order the expert discovery cut-off be extended to March 7, 2025.

Dated: January 27, 2025

Respectfully submitted,

HAGENS BERMAN SOBOL SHAPIRO LLP

By: \_\_\_\_\_

JESSICA THOMPSON

Attorneys for Plaintiff  
DONALD K. SHRUHAN, JR.

Dated: January 27, 2025

ORRICK, HERRINGTON & SUTCLIFFE LLP

By: /s/ Anjali Prasad Vadillo

ANJALI PRASAD VADILLO

Attorneys for Defendant  
APPLE INC.

**[PROPOSED] ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED:

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EDWARD J. DAVILA  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I am more than eighteen years old and not a party to this action. My business address is Orrick, Herrington & Sutcliffe LLP, 1000 Marsh Road, Menlo Park, California 94025. I am readily familiar with the business practices of this office for E-Filing and processing of pleadings for electronic transmission with the United States District Court, Northern District of California. On January 29, 2025 I served the following:

**STIPULATION AND [PROPOSED] ORDER RE EXPERT DISCOVERY**

Jessica Thompson, pro hac vice  
Stephanie Verdoia, pro hac vice  
HAGENS BERMAN SOBOL SHAPIRO  
LLP  
1301 Second Avenue, Suite 2000  
Seattle, Washington 98101  
Telephone: (206) 268-9370  
jessicat@hbsslaw.com  
stephaniev@hbsslaw.com

Cecilia N. Brennan, Esq.  
HKM EMPLOYMENT  
ATTORNEYS LLP  
401 West A Street, Suite 200 (#77)  
San Diego, CA 92101  
Tel/Fax: (619) 717-6410  
cbrennan@hkm.com

on the above parties in this action by:

**[X] ELECTRONIC TRANSMISSION:** I declare that a copy of said document(s) was filed electronically on the above date through the ECF system for the United States District Court for the Northern District of California and to the best of my knowledge, notice of this filing will be transmitted to all parties through the Court's ECF system.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on January 29, 2025.

/s/ Josette Romero  
Josette Romero